

# **Natural Resources and Environmental Protection Cabinet**

DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WASTE MANAGEMENT  
14 REILLY ROAD  
FRANKFORT, KENTUCKY 40601  
TELEPHONE NUMBER (502) 564-6716

## **PAST PERFORMANCE INFORMATION DEP 7094J (3/92)**

### **GENERAL INSTRUCTIONS**

1. **APPLICABILITY** - KRS 224.40-330(1) and (3) requires applicants and all key personnel, as defined in KRS 224.01-010(44), to submit past performance information prior to the issuance or transfer of a waste permit. **Part A** of this form is to be completed by the applicant. **Part B** of this form is to be completed by each person meeting the definition of key personnel. **Part B** may be copied as needed to provide one form for each person.
2. **PREPARATION** - Questions regarding this application form may be directed in writing to the Division of Waste Management, Solid Waste Branch, at the address provided above.
3. **SUBMISSION** - Submit the original and three (3) copies of the completed form to the Division of Waste Management at the address provided above. The application for a permit for which this form is being executed shall not be deemed complete until this form is submitted.
4. **LAWS AND REGULATIONS** - Applicants are expected to understand and comply with all laws and regulations applicable to this form. The requirement to submit this information is specified in KRS 24.40-330(1) and (3). Key personnel is defined in KRS 224.01-010(44). The term "person" is defined in KRS 224.01-010(17).

PERMIT/APPLICATION NO. \_\_\_\_\_

DATE \_\_\_\_\_

**PART A****PAST PERFORMANCE INFORMATION FOR APPLICANT**

1. \_\_\_\_\_  
Applicant's Complete Name
- \_\_\_\_\_
- Social Security Number/State of Incorporation or Registration
- \_\_\_\_\_
- Business Address (Do not use P.O. Box Number)
- \_\_\_\_\_
- Mailing Address
2. List the names of all "Key Personnel" as defined by KRS 224.010(44), and their positions and titles.  
(Attach additional sheets if necessary and label as Attachment 1.)
- a. \_\_\_\_\_
- | Name | Title/Position |
|------|----------------|
|------|----------------|
- b. \_\_\_\_\_
- | Name | Title/Position |
|------|----------------|
|------|----------------|
- c. \_\_\_\_\_
- | Name | Title/Position |
|------|----------------|
|------|----------------|
- d. \_\_\_\_\_
- | Name | Title/Position |
|------|----------------|
|------|----------------|
- e. \_\_\_\_\_
- | Name | Title/Position |
|------|----------------|
|------|----------------|
- f. \_\_\_\_\_
- | Name | Title/Position |
|------|----------------|
|------|----------------|
- g. \_\_\_\_\_
- | Name | Title/Position |
|------|----------------|
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FOR EACH "KEY PERSONNEL" LISTED, A COMPLETED PART B SHALL BE ATTACHED TO THIS FORM.

THE NUMBER OF KEY PERSONNEL PART B's ATTACHED TO THIS FORM IS \_\_\_\_\_.

3. Have any civil or administrative complaints been brought or filed against the APPLICANT for the violation of any state or federal environmental protection law which resulted in a fine or penalty greater than one thousand dollars (\$1,000) within five (5) year period immediately preceding the submission date of the APPLICANT'S permit application?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, describe each civil or administrative complaint which resulted in the fine or penalty. Include in the description the style of the complaint; the case, file or other identifying number; the identity of all parties named in the complaint; the forum in which the complaint was filed; the identity of each state or federal agency involved with or named in the complaint; the amount of the fine(s) or penalty(s); whether the fine or penalty has been paid; the identity and a description of each law or regulation violated or alleged to have been violated and upon which the fine(s) or penalty(s) is/are based; and state whether the fine was a result of a settlement or agreed order, an administrative order, or a court judgement. If litigation is ongoing, describe any orders or judgements entered and describe the current status of the litigation. Attach additional sheets if necessary and label as **Attachment 2**.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

4. Have any civil administrative complaints been brought or filed against the APPLICANT which allege that an act or omission that constitutes a violation of a state or federal environmental protection law or regulation presented a substantial endangerment to public health or to the environment?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, describe each civil or administrative complaint containing the allegation of the act or omission presenting a substantial endangerment to public health or to the environment. Each description shall include at a minimum the following: the style of the complaint; the case, file or other identifying number; the identity of each party to the complaint; the forum in which the complaint was filed; the identity of each state or federal agency involved with or named in the complaint; an explanation of the alleged act or omission; the identity and a description of the environmental protection law or regulation violated or alleged to have been violated; an explanation of all corrective action measures performed to correct or mitigate the alleged violation(s); a description of the alleged endangerment to public health or to the environment; and state whether the issues raised in the complaint have been resolved, and if so, whether the resolution was the result of a settlement or agreement, an administrative order or a court order or judgement. If litigation on the allegation(s) is ongoing, describe any orders or judgements entered and describe the present status of the litigation. Attach additional sheets if necessary and label as **Attachment 3**.

[illegible]

5. Describe all pending criminal complaints which allege the APPLICANT'S violation of a state or federal environmental protection law or regulation. If none, write **NONE**. Each description must include at a minimum the style of the case and the identifying case number, the date the complaint was filed, the forum in which the complaint is pending, the identity of the law or regulation allegedly violated and a narrative description of the law or regulation, whether the alleged violation(s) is a misdemeanor or a felony, and all actions and pleadings which have occurred or been filed in association with the complaint. Criminal complaints filed more than five years prior to the date of submission of the APPLICANT'S permit application need not be listed. Attach additional sheets if necessary and label as **Attachment 4**.

[illegible]

IN RESPONSE TO ITEMS 6 AND 7, EACH DESCRIPTION GIVEN MUST INCLUDE AT A MINIMUM THE FOLLOWING: STYLE, CASE NUMBER; FORUM IN WHICH CONVICTION ENTERED; DATE OF JUDGEMENT; SENTENCE IMPOSED; THE IDENTITY AND DESCRIPTION OF EACH LAW APPLICANT WAS CONVICTED OF VIOLATING; WHETHER THE CONVICTION WAS THE RESULT OF A PLEA AGREEMENT OR A TRIAL; AND, IF CURRENTLY ON APPEAL, THE STATUS OF THE APPEAL. ATTACH ADDITIONAL SHEETS IF NECESSARY AND LABEL AS **ATTACHMENTS 5 AND 6**.

6. Describe all judgements of criminal conviction entered against the APPLICANT for the violation of any state or federal environmental protection law or regulation. Convictions entered more than five (5) years before the submission date of the APPLICANT'S permit application need not be listed.

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7. Describe all judgements of criminal conviction of a felony under the laws of any state or of the United States that have been entered against the APPLICANT within the five (5) year period preceding the date of submission of the APPLICANT'S application.

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“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted in, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations.”

\_\_\_\_\_  
Original Signature of Responsible Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed Name of Responsible Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of Applicant, i.e. Corporation or Unit of Government

Subscribed and sworn to before me by \_\_\_\_\_

this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public Signature\_\_\_\_\_

My Commission Expires: \_\_\_\_\_.

Notary Public's Name and Address: \_\_\_\_\_

ATTACHMENT NO. \_\_\_\_\_

PERMIT/APPLICATION NO. \_\_\_\_\_

DATE \_\_\_\_\_

## **PART B**

### **PAST PERFORMANCE INFORMATION FOR KEY PERSONNEL**

1. \_\_\_\_\_  
Complete Name  
  
\_\_\_\_\_  
Business Address (Do not use P.O. Box Number)  
  
\_\_\_\_\_  
Mailing Address  
  
\_\_\_\_\_  
Type of Person (KRS 224.01-010 (17))
2. Describe the relationship between the applicant and the person completing this Part B attachment that establishes the person as a key personnel of the applicant.  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_
3. Have any civil administrative complaints been brought or filed against you that alleges that an act or omission that constitutes a violation of a state or federal environmental protection law or regulation presented a substantial endangerment to public health or to the environment?  
  
YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, describe each civil or administrative complaint containing the allegation of the act or omission presenting a substantial endangerment to public health or the environment. Each description shall include at a minimum the following: the style of the complaint; the case, file or other identifying number; the identities of each party to the complaint; the forum in which the complaint was brought; the identity of each state or federal agency involved with or named in the complaint; an explanation of the alleged act or omission; the identity and a description of the environmental protection law or regulation alleged to have been violated; an explanation of all corrective action measures performed to correct or mitigated the alleged violation(s); a description of the alleged endangerment to public health or to the environment; and state whether the issues raised in the complaint have been resolved, and if so, whether the resolution was the result of a settlement or agreement, an administrative order or a court order or judgement. If litigating on the allegation(s) is ongoing, describe any orders or judgements entered and describe the present status of the litigation. Attach additional sheets if necessary and label as **Attachment B-1**.

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4. Describe all pending criminal complaints that allege that your violation of a state or federal environmental protection law or regulation. If none, write **NONE**. Each description must include at a minimum the style of the case and the identifying case number, the date the complaint was filed, the forum in which the complaint is pending, the identity of the law or regulation allegedly violated and a narrative description of the law or regulation, whether the alleged violation(s) is a misdemeanor or a felony, and all actions and pleadings which have occurred or been filed in association with the complaint. Criminal complaints filed more than five (5) years prior to the date of submission of the Applicant's permit application need not be listed. Attach additional sheets if necessary and label as **Attachment B-2**.

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IN RESPONSE TO ITEMS 5 AND 6, EACH DESCRIPTION GIVEN MUST INCLUDE AT A MINIMUM THE FOLLOWING: STYLE, CASE NUMBER; FORUM IN WHICH CONVICTION ENTERED; DATE OF JUDGEMENT; SENTENCE IMPOSED; THE IDENTITY AND DESCRIPTION OF EACH LAW APPLICANT WAS CONVICTED OF VIOLATING; WHETHER THE CONVICTION WAS THE RESULT OF A PLEA AGREEMENT OR A TRIAL; AND, IF CURRENTLY ON APPEAL, THE STATUS OF THE APPEAL. ATTACH ADDITIONAL SHEETS IF NECESSARY AND LABEL AS **ATTACHMENT B-3 AND B-4**.

5. Describe all judgements of criminal conviction entered against you for the violation of any state or federal environmental protection law or regulation. Convictions entered more than five (5) years before the submission date of the Applicant's permit application need not be listed.

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6. Describe all judgements of criminal conviction of a felony under the laws of any state or of the United States that have been entered against the you within the five (5) year period preceding the date of submission of the Applicant's application.

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"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted in. Based on my inquiry of the person or persons directly responsible for gathering the information submitted in, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for such violations."

\_\_\_\_\_  
Original Signature of Responsible Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed Name of Responsible Official

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of Applicant, i.e. Corporation or Unit of Government

Subscribed and sworn to before me by \_\_\_\_\_

this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary Public Signature\_\_\_\_\_

My Commission Expires: \_\_\_\_\_.

Notary Public's Name and Address: \_\_\_\_\_

